

Steve Pence

From: Steve Pence
Sent: Monday, June 27, 2011 9:45 AM
To: 'sentcasperson@senate.michigan.gov'; 'senppavlov@senate.michigan.gov'; 'senmgreen@senate.michigan.gov'; 'senmkowall@senate.michigan.gov'; 'senameekhof@senate.michigan.gov'; 'senrwarren@senate.michigan.gov'; 'senmhood@senate.michigan.gov'
Cc: 'Marty Fittante'; 'Emily Betterly'; 'Kevin T. Grzelak'; 'ndaavettilla@yahoo.com'
Subject: SB470

Dear Senator Casperson and Committee Members:

I was informed that Senate Bill 470 will be voted on tomorrow morning. This is a surprise to me since I was certain my clients told me that there would be more time to debate this matter and to come up with language that might meet the needs of the public as a whole. It is my belief that this legislation is not needed for the reasons stated in the attached e-mail which went to your office and others today.

Please forgive my lack of artfulness in describing my objections, but by the time my clients and I learned that this bill was being rushed through the legislature, I was already fully booked and engaged in other projects which remain the case until this Friday, July 1.

I would ask that the remarks below be made part of the record in opposition to this impetuous piece of legislation.

PLEASE NOTE OUR NEW ADDRESS

Steven L. Pence
Pence & Numinen, PC
105 Meeske Avenue
Marquette, MI 49855
P: 906-226-2580
F: 906-226-2248
www.pencenuminen.com

There is no database known to me where this information can be found. I have heard from a lot of people and only know of one other pending case, with different issues. Others have said ours is the first suit since Kyser which resulted in a Circuit Court ruling.

So, when I told TV6 our case was the impetus for the bill, it was a correct statement and Sen. Casperson agreed and then said he was misquoted. I think he alluded to the overall industry concern.

If they are again having hearings on Tuesday, someone should be there. I have no doubt that any change to Kyser will make it a cinch that VVQ can meet the new Lansing approved standards.

What needs to be asked is what is wrong with local control of zoning? We, twice proved VVQ is not a victim, but gambled and lost by engaging in behind the scenes manipulation and subterfuge. Secondly, why does gravel get a preference afforded no other industry? The Betterlys, who long ago bought a home in a residential neighborhood, already had their taxes cut in half because this new, illegally started, quarry devalued their home. So, it can hardly be said the economics are one sided.

Further we proved there is no Houghton area shortage of aggregates from those who are in compliance with Michigan and local laws. Thus, there are also no job losses, because if an illegal operation remains closed, employment gains will be achieved at legal sites.

By copy of this note to Marty Fittante of the Senator's office, I am asking him, "what is the timetable, and is this still a rush, and, if it is, Why? "

This bill needs debate, not a mad dash, designed to defeat a fair understanding of an important land use question.

S

PLEASE NOTE NEW ADDRESS

Steven L. Pence
Pence & Numinen, PC
105 Meeske Ave.
Marquette, MI 49855
P: 906-226-2580
F: 906-226-2248
www.pencenuminen.com